

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim amendments/Status

In this response, claim 33 has been amended to clarify the subject matter set forth therein over the cited art. More specifically the expandable cup is limited to having a single curved wall while the line seating is clarified as being an injected molded non-rigid plastic lining injected molded into direct contact with the single curved wall of the expandable cup. The amendments further call for each of the plurality of first ribs to be longer and thinner than each of the plurality of second ribs. These limitations find support in the originally filed specification and drawings – see page 7, lines 8-21, for example.

Claim Objections

In this response, the dependency of claims 22-25 and 28 have been changed to claim 1, in the manner indicated in this Office Action.

Rejections under 35 USC § 103

The rejection of claims 33-39 under 35 USC § 103(a) as being unpatentable over Ruckwardt in view of Byerly, to the degree it is still relevant to the claims as amended, is respectfully traversed.

In this rejection it is advanced that Ruckwardt teaches a retaining member comprising a base portion (11), a first clamping member (3) connected to the base portion and comprising an elastically expandable cup (7) having an insertion slot (17) and a line seating (16) disposed in the expandable cup comprising plurality of first spaced ribs (18) and second rib (19). The clamping member is made of a rigid member (plastic, column 2, lines 61-62). The member comprises a second clamping member comprising unlined expandable cup having a smooth inner surface, an insertion slot and a clamping tongue.

However, this analysis of the Ruckwardt reference is not quite correct. Element 7 in Ruckwardt is disclosed as being a free space or opening – see column 3, line 10. Moreover, in addition to there being no expandable cup, the insertion slot 17 is not formed in what is

being taken to be the claimed cup, but formed in what has been identified the claimed line seating 16.

Further, it is submitted that the statement that "[T]he member comprises a second clamping member comprising unlined expandable cup having a smooth inner surface, an insertion slot and a clamping tongue", is misplaced if not completely wrong.

In this response, claim 33 has been amended to call for an injected molded non-rigid plastic lining injected molded into direct contact with the single curved wall of the expandable cup and configured to assume the shape of the cup and to receive the elongated element therein. It is submitted that this limitation cannot be met by any combination of Ruckwardt and Byerly.

Further, in connection with Byerly it is clear that the projections or protuberances are intended to completely surround whatever they are wrapped about and not to allow for insertion such as found in Ruckwardt. While this may not immediately appear to be problem, the disclosure of Byerly, when taken as a whole, is such as to suggest that the protuberances penetrate from all sides into the bundle of wires (for example) such as shown in Fig. 6. Therefore, irrespective of the disclosure that the projection can be any shape or size (Byerly column 3, lines 31-36) there is a clear inference, when the Byerly reference is taken as a whole, that the Byerly arrangement is designed to be wrapped around a bundle or conduit – note Fig. 6 and the manner in which the projections extend in among the wires. This of course does not allow for either insertion and is certainly does not suggest that these protuberances could be transferred to the Ruckwardt arrangement without the possibility of rendering the Ruckwardt arrangement partially inoperative for its intended purpose by rendering the intended insertion difficult and/or impossible.

It is respectfully submitted that one is not permitted to shop around for parts and then transfer some with the exclusions of others based on what is necessary in order to arrive at the claimed subject matter.

Conclusion

It is respectfully submitted that the claims as they have been amended are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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